



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

January 29, 2021

BY ECF

The Honorable Lorna G. Schofield
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *United States v. Stephen M. Calk*, 19 Cr. 366 (LGS)

Dear Judge Schofield:

The Government respectfully writes to supplement a statement the undersigned made during the January 7, 2021 conference. During the conference, the Court asked the Government whether any other witnesses who had been issued trial subpoenas (besides the four Chicago-area witnesses who ultimately moved to quash, Dkt. 145), had “said that they’re filing a motion to quash or that they’re not showing up or something else that would make them unavailable.” Tr., Jan. 7, 2021, at 10. In answering in the negative, *id.*, the undersigned forgot that in the spring and fall of 2020, counsel for two other potential witnesses, both of whom are based in California, had indicated concern, upon receiving trial subpoenas for earlier trial dates, about traveling for trial during the pandemic.

While counsel for those potential witnesses did not move to quash those subpoenas or the ones that were outstanding at the time of the January 7 conference, and the trial has now been adjourned in any event, the Government wanted to bring those concerns to the Court’s attention, particularly in light of the Court’s question on this subject. The Government will remain in contact with counsel for those witnesses, as well as the four Chicago-area witnesses who moved

to quash, well in advance of the scheduled June 28, 2021 trial date and promptly alert the Court if it expects additional motion practice.

Respectfully submitted,

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cc: Counsel of Record (via ECF)